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EXAMINER

BALBAN, SIMEON M

| ART UNIT | PAPER NUMBER |
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2686

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,715

Applicant(s)

KIRBAS ET AL.

Examiner

Simeon Marc Balban

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Information Disclosure Statement

1. The submission is in compliance with the provisions of 37 CFR 1.97.
Accordingly, the information disclosure statements are being considered by the examiner.

Specification

2. The disclosure is objected to because of the following informalities:

In line 23 of page 5 bus 180 should read bus 110

In line 1 of page 6 bus 180 should read bus 110

In line 7 of page 6 transceiver 210 should read transceiver 140

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 2, 4, 7, 11, 12** are rejected under 35 U.S.C. 102(b) as being anticipated by Kaplan (U.S. Patent Number 5,884,193).

Regarding **claim 1**, Kaplan discloses a method for restricting wireless communication, comprising the steps of:

storing a plurality of phone numbers within a memory (128), " the system may include an override number storage area (128) to store user - selected telephone number.....one or more speed dial storage locations within the wireless communication device (100) may be designated as the override number storage area (128)." (see Figure 1 and column 2 lines 43 – 45 and lines 52 – 55, column 5 lines 6 - 10), wherein geographical characteristics/information can be obtained from the number, "As can be appreciated by those of ordinary skill in the art, a user will enter additional digits indicative of a country code, city code" (see column 5 lines 57 – 63). This directly reads upon the claim of "storing a plurality of geographic characteristics in a wireless communications device;"

Kaplan discloses a "destination telephone number entered by the user" (see column 2 line 47, column 5 lines 14 - 15), which reads on "inputting a phone number into the wireless communication device";

Kaplan further discloses "a user will enter additional digits indicative of a country code, city code" (see column 5 lines 58 – 63), which reads on taking a phone number and "determining a particular geographic characteristic of the inputted phone number;"

In addition, Kaplan discloses "The processor (102) allows the call to originate if the destination telephone number entered by the user matches the stored data in the override number storage area (128) thus permitting wireless communication between the wireless communication device and a communication device corresponding to the

user-entered destination telephone number.” (see column 2 lines 45 – 52, column 5 lines 14 - 18), which reads directly on “comparing the determined geographic characteristic of the inputted phone number with each of the plurality of stored geographic characteristics; and
placing a phone call to the inputted phone number if the determined geographic characteristic matches any of the plurality of stored geographic characteristics.”

Regarding **claim 2**, Kaplan discloses the method as set forth in **claim 1**, further comprising the step of: “The processor (102) allows the call to originate if the destination telephone number entered by the user matches the stored data in the override number storage area (128) thus permitting wireless communication between the wireless communication device and a communication device corresponding to the user-entered destination telephone number.” (see column 2 lines 45 – 52, column 5 lines 14 - 18). It is inherent that the converse of this condition reads directly on the claim, “not placing the phone call to the inputted phone number if the determined geographic characteristic does not match any of the plurality of stored geographic characteristics.”

Regarding **claim 4**, Kaplan discloses a method for restricting wireless communication, comprising the steps of:
storing a plurality of phone numbers within a memory (130), “ the system may include an restricted number storage area (130) to store user - selected telephone number.....one or more speed dial storage locations within the wireless communication device (100) may be designated as the restricted number storage area (130).” (see

Figure 1 and column 2 lines 56 - 58 and lines 64 – 67, column 5 lines 21 - 27), wherein geographical characteristics/information can be obtained from the number, “As can be appreciated by those of ordinary skill in the art, a user will enter additional digits indicative of a country code, city code” (see column 5 lines 57 – 63). This directly reads upon the claim of “storing a plurality of geographic characteristics in a wireless communications device;”

Kaplan discloses a “destination telephone number entered by the user” (see column 2 lines 59 – 60, column 5 lines 29 - 30), which reads on “inputting a phone number into the wireless communication device;”

Kaplan further discloses “a user will enter additional digits indicative of a country code, city code” (see column 5 lines 58 – 63), which reads on taking a phone number and “determining a particular geographic characteristic of the inputted phone number;”

In addition, Kaplan discloses “The processor (102) never allows the call to originate if the destination telephone number entered by the user matches the stored data in the restricted number storage area (130) thus preventing wireless communication between the wireless communication device and a communication device corresponding to the user-entered destination telephone number.” (see column 2 lines 58 – 64, column 5 lines 27 - 32) It is inherent that the converse of this condition reads directly on the claim, “placing a phone call to the inputted phone number if the determined geographic characteristic does not match any of the plurality of stored geographic characteristics.”

Regarding **claim 7**, Kaplan discloses a method for restricting wireless communication, comprising the steps of:

storing a plurality of phone numbers within a memory (128), " the system may include an override number storage area (128) to store user - selected telephone number.....one or more speed dial storage locations within the wireless communication device (100) may be designated as the override number storage area (128)." (see Figure 1 and column 2 lines 43 – 45 and lines 52 – 55, column 5 lines 6 - 10), wherein authorized area codes can be obtained from the number, "As can be appreciated by those of ordinary skill in the art, a user will enter additional digits indicative of a country code, city code" (see column 5 lines 57 – 63). This directly reads upon the claim of "storing a plurality of authorized area codes in a wireless communications device;" Kaplan discloses a "destination telephone number entered by the user" (see column 2 line 47, column 5 lines 14 - 15), which reads on "inputting a phone number into the wireless communication device;"

Kaplan further discloses "a user will enter additional digits indicative of a country code, city code" (see column 5 lines 58 – 63), which reads on taking a phone number and "determining a particular area code of the inputted phone number;"

In addition, Kaplan discloses "The processor (102) allows the call to originate if the destination telephone number entered by the user matches the stored data in the override number storage area (128) thus permitting wireless communication between the wireless communication device and a communication device corresponding to the user-entered destination telephone number." (see column 2 lines 45 – 52, column 5

lines 14 - 18), which reads directly on "placing a phone call to the inputted phone number if the determined area code matches any of the authorized area codes stored in the wireless communication device."

Regarding **claim 11**, Kaplan discloses a system (100) (see figure 1) for restricting wireless communication, comprising "an override data storage area (128) containing one or more user selected destination telephone numbers. The override data storage area (128) may be part of the memory (104) or a separate storage area" (see column 5 lines 6 – 10), wherein geographical characteristics/information can be obtained from the number, "As can be appreciated by those of ordinary skill in the art, a user will enter additional digits indicative of a country code, city code" (see column 5 lines 57 – 63). This directly reads upon the claim of "means for storing a plurality of geographic characteristics in a wireless communications device;"

Kaplan discloses a "destination telephone number entered by the user via a keypad (108)" (see column 5 lines 14 - 15), which reads on "a means for inputting a phone number into the wireless communication device;"

Kaplan further discloses "If the destination telephone number enteredmatches one of the destination telephone numbers in the override data storage area (128), the CPU (102) will selectively enable," which reads on a "means for determining a particular geographic characteristic of the inputted phone number;" and a "means for comparing the determined geographic characteristic of the inputted phone number with each of the plurality of stored geographic characteristics;"

In addition, Kaplan discloses "If the destination telephone number entered by the user matches one of the destination telephone numbers, the CPU (102) will selectively enable the transmission of the call origination message by the transmitter (112)" (see column 5 lines 14 – 18), which directly reads on a 'means for placing a phone call to the inputted phone number if the determined geographic characteristic matches any of the plurality of stored geographic characteristics."

Regarding **claim 12**, Kaplan discloses a wireless communication device (100) (see figure 1), comprising a means for: "an override data storage area (128) containing one or more user selected destination telephone numbers. The override data storage area (128) may be part of the memory (104) or a separate storage area" (see column 5 lines 6 – 10), wherein authorized area codes can be obtained from the number, "As can be appreciated by those of ordinary skill in the art, a user will enter additional digits indicative of a country code, city code" (see column 5 lines 57 – 63). This directly reads upon the claim of "means for storing a plurality of authorized area codes in a wireless communications device;"

Kaplan discloses a "destination telephone number entered by the user via a keypad (108)" (see column 5 lines 14 - 15), which reads on "a means for inputting a phone number into the wireless communication device;"

Kaplan further discloses "If the destination telephone number enteredmatches one of the destination telephone numbers in the override data storage area (128), the CPU (102) will selectively enable," which reads on a "means for determining a particular area code of the inputted phone number;"

In addition, Kaplan discloses "If the destination telephone number entered by the user matches one of the destination telephone numbers, the CPU (102) will selectively enable the transmission of the call origination message by the transmitter (112)" (see column 5 lines 14 – 18), which directly reads on a 'means for placing a phone call to the inputted phone number if the determined area code matches any of the authorized area codes."

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 3, 5, 6, 8 - 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan. (U.S. Patent Number 5,884,193), in view of Stephens (U.S. Patent Number 5,995,823).

Regarding **claim 3**, Kaplan discloses a method for restricting wireless communication according to **claim 1**. However, Kaplan fails to specifically disclose the steps of determining a position location, and using the position location to authorize the placing of the phone call. However, the determination of position location, and the use

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of position location to authorize the placing of a phone call was well known in the art, as taught by Stephens.

In the same field of endeavor, Stephens discloses the steps of determining a position location, "The geographic location of the mobile can be determined " (see column 7 lines 39 – 62, column 9 lines 37 - 39); and using the position location to authorize the placing of the phone call, "once the geographic location of the originator has been determined " (see column 9 lines 38 – 56).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Kaplan, to combine the steps of call restriction of Kaplan, with the step of determining geographic location of the wireless unit, for the purpose of adding an additional control method for wireless access.

Regarding **claim 5**, Kaplan and Stephens, disclose everything claimed as applied above (see **claims 3 and 4**).

Regarding **claim 6**, Kaplan and Stephens, disclose everything claimed as applied above (see **claims 3 and 4**).

Regarding **claim 8**, Kaplan and Stephens, disclose everything claimed as applied above (see **claims 5 and 7**).

Regarding **claim 9**, Kaplan and Stephens, disclose everything claimed as applied above (see **claims 5 and 7**).

Regarding **claim 10**, Kaplan and Stephens, disclose everything claimed as applied above (see **claims 3 and 7**).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simeon Marc Balban whose telephone number is (703) 305-8731. The examiner can normally be reached on M - F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D Banks - Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MB

Marsha D Banks-Harold
MARSHA D. BANKS-HAROLD
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